

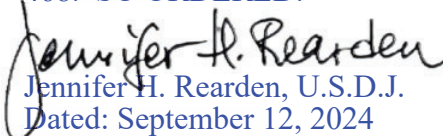
Henry E. Mazurek
Partner
Direct (212) 655-3594
Fax (212) 655-3535
hem@msf-law.com

September 12, 2024

VIA ECF

Hon. Jennifer H. Rearden
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

An Amended Judgment reflecting the requested modifications will issue. The Clerk of Court is directed to terminate ECF No. 468. SO ORDERED.


Jennifer H. Rearden, U.S.D.J.
Dated: September 12, 2024

Re: *United States v. Werczberger*, 23-cr-004 (JHR)

Dear Judge Rearden:

I write on behalf of defendant Ben Werczberger on the above-referenced matter. I write respectfully to request two modifications to the Court's written Judgment entered on the docket yesterday. *See* ECF Doc. 467. Both requests are made with consent of the government.

First, Mr. Werczberger moves under Fed. R. Crim. P. 36 to correct what appears to be a clerical error on page 2 of the Judgment. There, the Judgment imposes under the title, "Imprisonment," a period of home detention of six (6) months. Of course, this Court ordered Mr. Werczberger to serve a period of three (3) months home detention as a special condition of supervised release. We respectfully submit that the Judgment on page 2, under the designation of "Imprisonment," should simply read: "Time Served." Later in the Judgment, it correctly identifies the period of three (3) months home detention that the Court imposed as part of supervised release.

Second, Mr. Werczberger seeks the Court's indulgence to modify the terms of Supervised Release, under 18 U.S.C. § 3583(e), in two specific ways. While Mr. Werczberger at his sentencing hearing requested a delay to the start of his home detention condition, and the Court graciously granted this request, after conferring with his family, he no longer seeks this accommodation. Thus, we ask the Court to modify the special condition of home detention to direct the Probation Office to commence the period of home detention immediately, and for Mr. Werczberger to be supervised on home detention by the Probation Office in his district of residence, which in this case will be the Eastern District of New York. Mr. Werczberger will serve his home detention at his family residence in Brooklyn. We apologize for this sudden change, but we seek it to avoid additional hardships on Mr. Werczberger's family. As stated above, we conferred with the government, which consents to this modification.

Hon. Jennifer H. Rearden

September 12, 2024

Page 2 of 2

Finally, the Probation Office seeks the Court's direction on these requested changes to home detention so it can commence supervision of Mr. Werczberger.

Respectfully Submitted,

MEISTER SEELIG & FEIN PLLC

/s/ HEM

Henry E. Mazurek

Counsel for Defendant Ben Werczberger

cc: Counsel of Record (*via ECF*)